

REGISTER



South Dakota Legislative Research Council

Volume 41

Monday, 8:00 a.m., August 4, 2014

NOTICE OF PROPOSED RULES: (The date in parentheses is the date the rules were filed in the Legislative Research Council.)

Department of Transportation: (July 29, 2014) is proposing to adopt Rest Area Newspaper Vending Devices rules concerning the location, operation and maintenance of newspaper vending machines at interstate rest areas. The general authority for these rules, as cited by the department, is SDCL § 31-29-83.

A public hearing will be held in the Commission Room of the Becker Hansen Building, 700 East Broadway Avenue, Pierre, South Dakota, on August 28, 2014, at 9:05 a.m. CDT. Copies of the proposed rules may be obtained without charge from and written comments sent to the Secretary of Transportation, Becker-Hansen Building, 700 East Broadway Avenue, Pierre, South Dakota 57501-2586. Material sent by mail must reach the department by August 27, 2014, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the department can make arrangements are asked to call (605) 773-3540 or 1-800-877-1113 (Telecommunication Device for the Deaf).

Department of Human Services: Division of Rehabilitation Services: (July 30, 2014) intends to adopt rules to govern the Telecommunications Equipment Distribution Program which provides devices and training to assist with telecommunication for individuals who are deaf, hard of hearing, or have speech impairments; adopt rules to govern the Telecommunications Adaptive Devices Program which provides devices and training to assist with telecommunications for individuals who

have disabilities other than deafness, hard of hearing, or speech impairments; adopt rules for the Hearing Aid Assistance Program to assist with providing hearing aids to young people who are deaf or hard of hearing; and adopt rules to govern the Communication Assistance Services program which provides communication support services to individuals who are deaf and hard of hearing. The general authority for these rules, as cited by the department, is SDCL §§ 28-9-44 and 49-31-56.1.

A public hearing will be held in the Conference Room at the Department of Human Services, Hillsvie Plaza, 3800 E. Highway 34, Pierre, South Dakota, on August 27, 2014, at 3:00 p.m. Copies of the proposed rules may be obtained without charge from and written comments sent to Eve Smith, Administrative Rules Coordinator, Department of Human Services, Hillsvie Plaza, East Hwy 34, c/o 500 East Capitol, Pierre, South Dakota 57501-5070. Copies of the proposed rules may also be obtained from the following website at <http://rules.sd.gov> or by emailing eve.smith@state.sd.us. Persons interested in presenting data, statements, opinions and arguments for or against the proposed rules may do so by appearing in person at the hearing. Material sent by mail must reach the Department of Human Services by 5 p.m. on September 6, 2014, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the department can make arrangements are asked to call (605) 773-5990 or (605) 773-6412 TTY within 48 hours of the hearing.

Department of Labor and Regulation: Division of Securities: (July 31, 2014) is proposing to amend rules to revise the dollar amount thresholds required for Investment Advisors in South Dakota to enter into a contract charging performance compensation fees, and to officially recognize the change of the name from *Standard & Poor's Standard Corporation Descriptions* to *S&P Capital IQ Standard Corporation Descriptions*. The general authority for these rules, as cited by the division, is SDCL §§ 47-31B-202, 47-31B-502, and 47-31B-605.

A public hearing will be held in the Office of the Director, Main Floor, 445 E. Capitol Avenue, Pierre, South Dakota, on August 18, 2014, at 10:00 a.m. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Division of Securities, 445 E. Capitol Avenue, Pierre, South Dakota 57501-1234. Written comments must be received by August 28, 2014, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the division can make arrangements are asked to call (605) 773-4823 at least forty-eight hours before the hearing.

Department of Agriculture: Division of Ag Development: (July 31, 2014) is proposing to amend rules regarding the Farm Loan Mediation program and adopt rules for the expansion of the mediation program for federal lands mediation and oil and gas mediation. The general authority for these rules, as cited by the department, is SDCL § 54-13-2.

A public hearing will be held at the West River Business Service Center, Career Learning Center Conference Room, 720 East Watertown, Suite 102, Rapid City, South Dakota, on September 9, 2014, at 10:00 a.m. MT. Copies of the proposed rules may be obtained from and written comments sent to the South Dakota Department of Agriculture, Foss Building, 523 East Capitol, Pierre, South Dakota 57501.

Copes may also be obtained by emailing agmail@state.sd.us. Material sent by mail must reach the Department by September 9, 2014, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the Department can make arrangements are asked to call (605) 773-5436 at least 48 hours before the hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

Executive Appointments:

Daryl Englund, Brookings, was appointed on July 14, 2014, to the **Board of Minerals and Environment**, to replace Richard Sweetman, effective immediately and shall continue until June 30, 2018.

Dennis Falken, Brookings, was reappointed on July 16, 2014, to the **South Dakota 911 Coordination Board**, effective immediately and shall continue until June 30, 2017.

Marlene Haines, Mitchell, was reappointed on July 16, 2014, to the **South Dakota 911 Coordination Board**, effective immediately and shall continue until June 30, 2017.

Steven G. Harding, Pierre, was reappointed on July 16, 2014, to the **South Dakota 911 Coordination Board**, effective immediately and shall continue until June 30, 2017.

Stan E. Anderson, Wall, was reappointed on July 29, 2014, to the **Board of Tourism**, effective immediately and shall continue until June 30, 2018.

John Brockelsby, Rapid City, was reappointed on July 29, 2014, to the **Board of Tourism**, effective immediately and shall continue until June 30, 2018.

Shirley J. Hauge, Rapid City, was reappointed on July 29, 2014, to the **Board of Examiners**

for Speech-Language Pathology, effective August 1, 2014, and shall continue until July 30, 2017.

Bruce Hintz, Lead, was reappointed on July 29, 2014, to the **South Dakota Snowmobile Advisory Council**, effective immediately and shall continue until June 30, 2017.

George Kessler, Mina, was reappointed on July 29, 2014, to the **Board of Tourism**, effective immediately and shall continue until June 30, 2018.

Connie Tucker, Rapid City, was reappointed on July 29, 2014, to the **Board of Examiners for Speech-Language Pathology**, effective August 1, 2014, and shall continue until July 30, 2017.

Todd Wilkinson, De Smet, was reappointed on July 29, 2014, to the **South Dakota Snowmobile Advisory Council**, effective immediately and shall continue until June 30, 2017.

Note: A copy of the rules may be obtained directly from the above agencies or at <https://rules.sd.gov>. Write to the agency at the address given under "Notices of Proposed Rules." There is no charge for proposed rules. The following agencies have permission from the Interim Rules Review Committee to charge for adopted rules: the Division of Insurance, the Cosmetology Commission, the State Board of Examiners in Optometry, the State Plumbing Commission, the Board of Nursing, the Department of Social Services, the State Electrical Commission, the South Dakota Board of Pharmacy, the Real Estate Commission, the Gaming Commission, the Department of Revenue and Regulation, and the Department of Labor for Article 47:03.

REMINDER OF HEARINGS SCHEDULED

8-7-2014	Game, Fish and Parks	Amend a Waterfowl Hunting Seasons (Duck Hunting Season) rule to decrease the daily bag limit for canvasback from 2 to 1 and allow 2 bonus blue-winged teal for the first 16 days of the duck season; amend Waterfowl Hunting Seasons (Goose Hunting Season) rules to increase the daily bag limit for light geese from 20 to 50 and change Unit 2 so the season is open for 105 days preceding (and including) the Sunday closest to February 15; and amend Fall Wild Turkey Hunting Season rules to adjust the number of licenses/tags available in the East River Prairie Units, Unit BH1, NE Unit and in Brookings, Deuel, Lincoln, Minnehaha and Moody counties, change the season dates from October 1 – January 31 to November 1 – January 31, modify Unit BH1 to include those portions of Custer, Fall River, Lawrence, Meade, and Pennington counties within a line beginning at the junction of U.S. Hwy. 85 and Interstate 90 at exit 17, south on U.S. Hwy. 85 to U.S. Hwy. 385, south on U.S. Hwy. 385 to S.D. Hwy 89, south on S.D. Hwy. 89 to Pilger Mountain Road, west on Pilger Mountain Road to Dewey Road, west on Dewey Road to the WY/SD line, south on the
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8-14-2014	Bureau of Human Resources and Civil Service Commission	Amend rules to revise the term, "mental retardation" to read "developmental disability;" place the definitional terms in alphabetical order and clarify the term "eligible" employee to include permanent part-time employees; revise a rule to read "one month" rather than "31 days;" repeal a rule because state employee life insurance coverage is now portable; revise a rule to allow retirees who retire prior to November 1, 2014, to elect coverage through the state health plan even if they fail to elect coverage in the first 30 days after retirement and remove the requirement that the eligible retiree provide proof of eligibility; extend the probationary period of conservation officers and university law enforcement officers from 1,040 hours to 2,080 hours; correct grammatical errors; correct a cross-reference; and add the term "pay" to exclusion of issues that employees cannot appeal; 41 SDR 11, July 21, 2014.
8-18-2014	Corrections	Adopt rules to administer the reinvestment fund program; 41 SDR 17, July 28, 2014.
8-18-2014	Labor and Regulation: Division of Securities	Amend rules to revise the dollar amount thresholds required for Investment Advisors in South Dakota to enter into a contract charging performance compensation fees, and to officially recognize the change of the name from <i>Standard & Poor's Standard Corporation Descriptions</i> to <i>S&P Capital IQ Standard Corporation Descriptions</i> ; 41 SDR 22, August 4, 2014.

8-19-2014	Attorney General: Law Enforcement Officers Training and Standards Commission	Amend rules to permit the Department of Corrections to certify canine teams for use in the Department of Corrections facilities; 41 SDR 1, July 7, 2014.
8-26-2014	Labor and Regulation: Division of Unemployment Insurance	Amend rules to clarify when a week of unemployment starts, eliminate procedures used when unemployment insurance claims are filed in-person at a local Labor and Regulation office, correct an authorizing statute, clarify the time period for when claims for weeks of unemployment will be accepted, change the requirement from having an eligibility interview to having an eligibility assessment, eliminate the need for individuals to keep a copy of job contacts, clarify the effective date of a disqualification, and add a new industry, seasonal small game cleaning services, to the list of seasonally designated industries, so former employees can only claim benefits in the period the industry is open for business; 41 SDR 12, July 21, 2014.
8-27-2014	Human Services: Division of Rehabilitation Services	Adopt rules to govern the Telecommunications Equipment Distribution Program which provides devices and training to assist with telecommunication for individuals who are deaf, hard of hearing, or have speech impairments; adopt rules to govern the Telecommunications Adaptive Devices Program which provides devices and training to assist with telecommunications for individuals who have disabilities other than deafness, hard of hearing, or speech impairments; adopt rules for the Hearing Aid Assistance Program to assist with providing hearing aids to young people who are deaf or hard of hearing; and adopt rules to govern the Communication Assistance Services program which provides communication support services to individuals who are deaf and hard of hearing; 41 SDR 21, August 4, 2014.
8-28-2014	Transportation	Adopt Rest Area Newspaper Vending Devices rules concerning the location, operation and maintenance of newspaper vending machines at interstate rest areas; 41 SDR 21, August 4, 2014.
9-9-2014	Agriculture: Division of Ag Development	Amend rules regarding the Farm Loan Mediation program and adopt rules for the expansion of the mediation program for federal

		lands mediation and oil and gas mediation; 41 SDR 22, August 4, 2014.
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RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held on Tuesday, August 12, 2014, , via the Digital Dakota Network (DDN) in Room 414, Fourth Floor of the State Capitol. Other DDN sites will be: Huron – DHS, 2361 Dakota Ave. S; Sioux Falls – University Center, 4801 N. Career Ave., Room FADM 145; and Yankton – DOT, 1306 W. 31st St. The committee chair has set the following tentative meeting schedule for the 2014 interim: September 16, November 12, and December 16.

Note: An updated version of the Administrative Rules Guide to Form and Style is available on the LRC website at <http://legis.sd.gov/Rules/RulesManual.aspx>.